

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

STEVES AND SONS, INC.,)	
)	
Plaintiff,)	
)	Civil Action No. 3:20-cv-00098
v.)	
)	
JELD-WEN, INC.,)	
)	
Defendant.)	
)	

**DEFENDANT JELD-WEN, INC.’S MOTION TO DISMISS COUNTS ONE AND TWO
OF PLAINTIFF STEVES AND SONS, INC.’S COMPLAINT
FOR FAILURE TO STATE A CLAIM**

Defendant JELD-WEN, Inc. (“JELD-WEN”), by counsel, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, hereby moves for an order dismissing Counts One and Two of the Complaint filed by Plaintiff Steves and Sons, Inc. (“Steves”) on February 14, 2020, for failure to state a claim upon which relief may be granted.

As set forth more fully in the accompanying memorandum of law, the grounds for this motion are as follows:

1. Steves does not, and cannot, plausibly allege facts showing antitrust impact or antitrust injury to support its claim in Count One for a violation of Section 7 of the Clayton Act.
2. Steves’ tortious-interference claim in Count Two must be dismissed under Delaware’s “bootstrapping” doctrine.
3. In the alternative, Steves’ tortious-interference claim in Count Two fails as a matter of law because Steves has failed to adequately allege either of the two types of tortious-interference claims recognized by Delaware law.

Therefore, JELD-WEN respectfully requests that the Court issue an order dismissing Counts One and Two of the Complaint with prejudice.

Dated: March 27, 2020

Respectfully submitted,

JELD-WEN, Inc.

By counsel

/s/ Brian C. Riopelle

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CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of March 2020, the following counsel of record have been served using the CM/ECF system, which will then send a notification of such filing (NEF) to the registered participants as identified on the NEF to receive electronic service, including:

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